



# STATE MINING AND GEOLOGY BOARD

## *EXECUTIVE OFFICER'S REPORT*

Date: August 17, 2000

**Item 4 – Adoption of Regulatory Language to Amend § 3704, Performance Standards, to the California Code of Regulations, Title 14, Chap. 8, Subchapter 1, Article 9.**

**BACKGROUND:** Article 9 of Title 14, commencing with § 3700 of the California Code of Regulations addresses minimum standards to be applied when reclaiming mine sites following completion of mining.

Section 3704 of the California Code of Regulations (CCR) became effective January 15, 1993. References in subsection (a) to the 1991 Edition of the Uniform Building Code (UBC) needs to be revised so as to keep the reclamation standards current, as well as to avoid confusion about which engineering standards will be followed if a lead agency adopts a later version of the UBC.

Subsection (g) is revised to reflect current conditions and remove ambiguity. The “lead agency” for the Surface Mining and Reclamation Act of 1975 no longer is the only agency with authority in wetlands areas, since other state and federal agencies also mitigate wetland habitats.

On February 10, 2000 the Joint Committee of the Board in open public session recommended that the SMGB approve the changes to the § 3704. At its regularly schedule business meeting on March 9, 2000 the SMGB approved the proposed changes to § 3704.

**COMMENTS:** No comments were received by the SMGB office regarding the proposed regulatory language.

**PROPOSED LANGUAGE:**

***§ 3704 Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring.***

*Backfilling, regrading, slope stabilization, and recontouring shall conform with the following standards:*

(a) *Where backfilling is proposed for urban uses (e. g. roads, building sites, or other improvements sensitive to settlement), the fill material shall be compacted in accordance with ~~section 7010, Chapter 70~~ or the Uniform Building Code, published by the International Conference of Building Officials (1994) and as adopted by the lead agency, the local grading ordinance, or other methods approved by the lead agency as appropriate for the approved end use.*

(b) *Where backfilling is required for resource conservation purposes (e. g. agriculture, fish and wildlife habitat, and wildland conservation), fill material shall be backfilled to the standards required for the resource conservation use involved.*

(c) *Piles or dumps of mining waste shall be stockpiled in such a manner as to facilitate phased reclamation. They shall be segregated from topsoil and topsoil substitutes or growth media salvaged for use in reclamation.*

(d) *Final reclaimed fill slopes, including permanent piles or dumps of mine waste rock and overburden, shall not exceed 2:1 (horizontal:vertical), except when site-specific geologic and engineering analysis demonstrate that the proposed final slope will have a minimum slope stability factor of safety that is suitable for the proposed end use, and when the proposed final slope can be successfully revegetated.*

(e) *At closure, all fill slopes, including permanent piles or dumps of mine waste and overburden, shall conform with the surrounding topography and/or approved end use.*

(f) *Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use and conform with the surrounding topography and/or approved end use.*

(g) *Permanent placement of piles or dumps of mining waste and overburden shall not occur within wetlands unless mitigation acceptable to the ~~lead agency~~ appropriate regulatory agency has been proposed to offset wetland impacts and/or losses.*

*Note: Authority cited: Sections 2755, 2756, and 2773, Public Resources Code; Reference: Section 2773, Public Resources Code.*

**RECOMMENDATION:** The Executive Officer certifies that the regulatory adoption process has been completed in accordance with the California Administrative Procedure Act, and recommends the SMGB adopt the proposed regulatory language.